

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

WILLIAM BOYD MARSHALL,

Plaintiff,

v.

DR. DUBEK,

Defendant.

Case No. C24-1190-MJP-MLP

REPORT AND RECOMMENDATION

This is a *pro se* civil rights action proceeding under 42 U.S.C. § 1983. Plaintiff William Marshall is currently confined at the Airway Heights Corrections Center in Airway Heights, Washington. (*See* dkt. # 8.) He submitted his civil rights complaint to the Court for filing on July 31, 2024, while he was confined at the Whatcom County Jail Work Center in Bellingham, Washington. (*See* dkt. # 1.) Plaintiff also submitted an application to proceed with this action *in forma pauperis* (“IFP”). (*See id.*; dkt. # 3.) On September 9, 2024, Plaintiff’s IFP application was granted, and his complaint was filed. (Dkt. ## 4-5.) On the same date, this Court issued an Order declining to serve Plaintiff’s complaint and granting him leave to file an amended complaint. (Dkt. # 6.) The Court identified therein deficiencies Plaintiff would need to correct if he wanted to proceed with this action. (*Id.*)

REPORT AND RECOMMENDATION
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1 On November 5, 2024, the Court received a letter from Plaintiff advising of his desire to
2 withdraw his case and inquiring as to whether he would still be required to pay the filing fee.
3 (Dkt. # 10.) On December 20, 2024, this Court issued an Order addressing Plaintiff's request to
4 withdraw his case. (Dkt. # 11.) The Court explained therein that Plaintiff would remain obligated
5 to pay the filing fee whether or not he chose to proceed with this action, and it asked him to
6 advise the Court whether, in light of this fact, he would prefer to proceed with this action or have
7 the action dismissed. (*Id.* at 2-3.) Plaintiff was directed to communicate his intentions to the
8 Court not later than January 21, 2025, and was advised that his failure to do so would result in a
9 recommendation that this action be dismissed for failure to prosecute. (*Id.* at 3.)

10 To date, Plaintiff has not responded in any fashion to this Court's Order directing him to
11 apprise the Court of his intentions regarding his request to dismiss this action. Accordingly, this
12 Court recommends that Plaintiff's complaint and this action be dismissed without prejudice for
13 failure to prosecute. A proposed Order accompanies this Report and Recommendation.

14 Objections to this Report and Recommendation, if any, should be filed with the Clerk and
15 served upon all parties to this suit not later than **fourteen (14) days** from the date on which this
16 Report and Recommendation is signed. Failure to file objections within the specified time may
17 affect your right to appeal. Objections should be noted for consideration on the District Judge's
18 motions calendar **fourteen (14) days** from the date they are filed. Responses to objections may be
19 filed by **the day before the noting date**. If no timely objections are filed, the matter will be ready
20 for consideration by the District Judge on **February 25, 2025**.

1 DATED this 4th day of February, 2025.

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4 MICHELLE L. PETERSON
5 United States Magistrate Judge
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